

**TOWN OF DAVIE
REGULAR MEETING
MARCH 19, 2002**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Paul, Councilmembers Clark, Starkey, and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. SELECTION OF VICE-MAYOR

Vice-Mayor Paul nominated Councilmember Clark. There were no other nominations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Councilmember Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

4. PRESENTATIONS (7:03 p.m. - 9:57 p.m.)

4.1. Lori Parrish, Broward County Commissioner and Scott Seeburger, Florida Department of Transportation (anticipated to speak at 9:00 p.m.)
Commissioner Parrish spoke later in the meeting.

4.2. Lindsay Dreyer

Town Clerk Muniz read a statement into the record regarding Ms. Dreyer's accomplishments. Mayor Venis presented Ms. Dreyer with a certificate of recognition. Ms. Dreyer thanked Council and spoke about her experiences with the Town's underprivileged children. She thanked all of those who had supported her in her endeavors.

4.3. Citrus Canker Update

Jerry Budnee, representing the Department of Agriculture, spoke about the ongoing citrus canker litigation. He explained the Department's methodology to remove canker infested trees and gave the history of the use of the 1,900-foot rule. Mr. Budnee stated that the goal was to remove diseased trees faster than the disease could be spread. He advised that the procedure was to get consent from homeowners to remove infected trees and more often than not, homeowners agreed to have the trees removed. Mr. Budnee indicated that under the new law, the property owner was given \$100 for the first tree and \$55 for all other trees that were removed. He spoke about studies that were done by experts that proved citrus canker in South Florida was threatening the citrus industry in the State of Florida. Mr. Budnee stated that one scientist disagreed with the studies, but admitted that he was not qualified to make recommendations because he had not worked in the field in many years and had no experience with this particular strain of citrus canker.

Mr. Budnee referred to Judge Fleet's concern with procedural irregularities, but Mr. Budnee assured that those irregularities had been resolved. He spoke of the citrus canker

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eradication in Hillsboro County, which was successful because it had not been interrupted. Mr. Budnee stated that since the program was interrupted in Broward County, the disease had spread to more trees. He also added that South Florida's economy would suffer if the citrus industry in Central Florida suffered.

Mr. Budnee stated that the Broward County Commission was challenging the new Statute and indicated that the County's lawyer had advised the County Commission that they had no constitutional rights for the basis of a lawsuit. He advised that the County Commission had instructed the attorney to sue, on behalf of all the individual tree owners in the County and cautioned that this Council needed to consider what effect such a lawsuit would have on the Town.

Jack Haire, representing the Broward Coalition, stated that the County Commission had unanimously voted to continue legal actions against the removal of citrus trees. He referenced a resolution signed by the Broward County and Palm Beach County delegations that was sent to the Commissioner of Agriculture. Mr. Haire stated that the letter was sent in August, 2001 and Mr. Bronson had not yet responded.

Mr. Haire was concerned that unqualified agents were entering properties without permission, whether or not citrus trees were present. He stated that no law enforcement agency had that right and these representatives of the Department of Agriculture were not law enforcement. Mr. Haire indicated that the 1,900-foot rule was not the main issue. The concerns were if the eradication would work, if it would truly put the citrus industry at risk, and if there were economic alternatives to eradication. He advised that the answer to these questions was no for each.

Mr. Haire was not convinced, nor were many professionals in the field, that citrus canker could be eradicated and advised that a vast majority of the citrus produced in the State was used for juice. He stated that the Department of Agriculture had misinformed the public and the amount of money at risk was not nearly as high as was projected.

Councilmember Truex asked Dr. Shubert, Chief Plant Pathologist for the Florida Department of Agriculture, if canker killed citrus. Dr. Shubert stated that it could, but it was not usually the case with mature trees. He added that canker made it very difficult to raise nursery stock free of canker, and it had been known to kill nursery trees and young trees in a grove setting. Councilmember Truex referred to Broward County's website which indicated that trees lost their fruit and leaves and were unable to produce fruit. Dr. Shubert stated that this was true for more susceptible varieties. He also stated that the fruit was usable with the blemishes, but it was not suitable for the commercial market and fell into the "much lower priced" juice market.

Councilmember Truex referred to Mr. Haire's comment regarding the split in the scientific community regarding the course of action taken by the Department of Agriculture. Dr. Shubert stated that he knew of no specialist or scientist who voiced a credible objection to the actions of the Department of Agriculture. Councilmember Truex again referred to the Broward County website and asked if canker could be eradicated. Dr. Shubert replied affirmatively.

Councilmember Truex asked about the United States Department of Agriculture's position on canker. Dr. Shubert stated that a coalition of scientists had been formed to

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participate in the fact finding and formation of the program. He stated that all members of this coalition agreed with the 1900-foot rule.

Vice-Mayor Clark asked Councilmember Truex if he felt the County Commission's vote was contrary to the information on their website. Councilmember Truex replied affirmatively.

Councilmember Paul spoke of her observation of the debate in Tallahassee and stated that the Department of Agriculture admitted that there was no science behind the 1,900-foot rule. She felt that "effective eradication" was not the solution because unless the canker was 100% eradicated, it would come back and thrive. Councilmember Paul felt that most of the spread of canker was due to poor management. She suggested creating a canker-free zone across the State and removing all canker infected trees 1,900 feet below the major citrus groves. Councilmember Paul felt that ten days was not enough time for appeals by homeowners and that the issue of a "blanket search warrant was absolutely the worst thing that could be done to the people of this State."

Councilmember Paul asked if the State paid for the removal of trees at Hibbs Grove and Pan American Groves. She felt it was wrong for taxpayers to pay for removal of trees on property that was sold to developers who would have removed the trees anyway. Mark Fagan, spokesman for the Citrus Canker Eradication Program, stated that they had paid for the standard removal of trees at the Hibbs Grove and Pan American Grove. He stated that approximately 75% of the trees were removed by the State at Hibbs Grove and 60% were removed at Pan American Groves.

Councilmember Paul felt that the Town needed to join the County with their lawsuit on behalf of the residents of the Town. She felt that constitutional rights were being challenged.

Mayor Venis asked Mr. Kiar if he expected direction from Council after they deliberated this issue. Mr. Kiar indicated that he was asked to advise the County as to whether or not the Town would join in the lawsuit.

Councilmember Truex felt this was an issue between urban areas against agriculture. He distributed information on citrus canker and stated that Hillsboro County was successful in eradicating citrus canker. Councilmember Truex felt that the 1,900-foot rule was an effective measure to eradicate citrus canker in Broward County. He opposed the Town's intent to join the County's lawsuit.

Chris Theodore, Fort Lauderdale, felt the Department of Agriculture had failed to clearly identify means of canker transmission. He felt that nothing less than 100% eradication of canker should be attempted, otherwise it was a waste of time. Mr. Theodore felt that no one should be violating people's civil rights by entering their properties to remove trees.

Sandra St. Germain, Southwest Ranches, spoke of all the processes required to oppose tree cutting and felt they were difficult for the average person to complete. She also opposed the Department of Agriculture entering private property without a warrant. Ms. St. Germain stated that the Department of Agriculture's brochure indicated that the eradication program was to save Dade County citrus trees, not to save the citrus industry, which was what Mr. Budnee had argued. She urged Council to support the County's lawsuit.

Caesar Delcampo, Pompano Beach, indicated that the trees in his backyard had been exposed for over two years and had not become infected. He stated that the eradication of citrus canker was recently declared and not enough time had passed to determine if the

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eradication was successful. Mr. Delcampo spoke of the "blanket warrant" issue and the constitutional amendment that dealt with "just compensation" for the government taking property from private citizens. He felt that \$55 for a mature citrus tree was not "just compensation."

Dan Dawson, 1549 20th Avenue - Shady Banks, stated that the Department of Agriculture did not feel this was an issue between urban and agriculture. He stated that scientific information supporting citrus canker eradication was made more available by the Department of Agriculture, but when asked for the facts, there were no definitive answers. Mr. Dawson pointed out that early mistakes were only admitted because the Department of Agriculture "got caught" and felt that the methodologies did not eradicate because the disposal was not done correctly.

Christine Theodore, 4708 NE 23 Avenue, was opposed to the removal of citrus trees that might be exposed to canker and stated that it was almost impossible for "the people" to hire experts to dispute the findings of the Department of Agriculture. She felt the 1,900-foot rule was ludicrous. Ms. Theodore felt that the Department of Agriculture's methodology was inappropriate and she was concerned about civil rights being violated with "blanket warrants."

John Rouge, 900 SW 15 Street - Deerfield Beach, spoke about how he had battled canker for two years and felt that the only benefit would be to the citrus growers. He stated that the inspectors were not protected and went through no disinfection process or decontamination process when they went from one tree to the next, thereby potentially infecting disease-free trees.

Mary Truchelut, Wilton Manors, cited several news references that disputed the information given by the Department of Agriculture. She urged Council to stand up for the Town's residents.

Fred Siegel, President of the Broward County Farm Bureau, advised that he opposed the legislation passed in Tallahassee on this issue, specifically regarding the "blanket warrant." He agreed that canker needed to be eradicated, but was not sure that the cutting would solve the problem. Mr. Siegel was also concerned with the contractors who were doing the cutting, as he had seen numerous violations on their part.

Brian Bailey, Plantation, stated that he had inquired why the Department of Agriculture had not done an Environmental Impact Study and they stated that they had done an environmental assessment based on information gathered from the citrus growers. He felt that legislation passed had many flaws and outlined them and urged Council to challenge this legislation.

Councilmember Paul rebutted some of the comments made by Councilmember Truex regarding the methods to battle citrus canker. She felt that citrus companies and backyard trees could both be saved if monies were put toward research.

Councilmember Paul made a motion, seconded by Councilmember Starkey, that the Town join the other Broward County communities and the Broward County Commission in going against this legislation passed by the State of Florida.

Councilmember Truex felt that any product developed to battle citrus canker should be scientifically researched and the constitutional issues that were raised were valid, but he felt

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"the minority" had to make concessions. He felt that searching a backyard was not the same as searching the inside of a house or car.

Mayor Venis indicated that this issue had come before Council approximately two years ago and indicated his support to join Broward County Commission's lawsuit. He felt the residents' rights were being violated with the blanket warrant.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - no. (Motion carried 4-1)

Mayor Venis stated that item 9.8 needed to be tabled until May 15, 2002.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to table until May 15, 2002. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis stated that item 9.9 needed to be tabled until April 19, 2002, but first invited Maria Rubino to speak on behalf of the homeowners of Park City West.

Ms. Rubino stated that the Park City West residents were surprised to learn that Council had approved the rezoning of eight acres adjacent to the entrance to Park City West. She stated that the residents were not notified and the residents were busy with "our problem of buying our park." Ms. Rubino advised that the residents were concerned because a warehouse was going to be built on the site and indicated that a petition opposing this was being circulated. She stated that the owner of the property met with Park City West residents, but he was not clear on who owned Bright Road. Ms. Rubino stated that the original petition objected to the warehouse and the use of the road. She stated that these concerns were no longer the issue, but now there was no right-of-way into the Bright Road entrance to Park City West. Ms. Rubino read the revised petition and stated the residents wanted to know who owned the road.

Town Engineer Larry Peters indicated that 595 Commercial Properties Limited, a subsidiary of the petitioner, was the owner of Bright Road. He stated that it was also determined that there was an 80-foot right-of-way and easement that the petitioner had planned to develop.

Mayor Venis stated that rezoning was not binding until the second reading of the ordinance.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to table until April 17, 2002. In a voice vote, all voted in favor. (Motion carried 5-0)

George Albert, Park City West resident, was a general contractor and spoke of his experience with adverse possession. He felt that there were concerns with adverse possession and asked Council to investigate.

4.1 Commissioner Parrish indicated that the agreement that had been discussed regarding SW 14 Street was not "engineeringly unfeasible." She stated that she had received a copy of Southwest Ranches' resolution opposing the bridge between Orange Road and Griffin Road. She suggested that engineers from the Town, Southwest Ranches, Weston, Sunrise, and the Florida Department of Transportation (FDOT) meet to resolve the concerns of the cities so

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that a plan could be prepared. Commissioner Parrish indicated that FDOT wanted to put this issue on the April or May Metropolitan Planning Organization's agenda so that it could be resolved. She stated that her attempts to resolve this issue were unsuccessful.

Mayor Venis suggested that the affected municipalities should have another charette to discuss this issue and the results from the traffic studies conducted for each city. Commissioner Parrish felt that a charette was pointless as the opinion of the residents was very clear. She felt it would be better to have the engineers meet and use the information gathered from traffic studies and residents.

Scott Seeburger, FDOT, stated that a resolution was not necessary in order to make adjustments to the corridor in question. He stated that other components could be added to the Master Plan for I-75 that could address other issues besides the access issues. Mr. Seeburger spoke of the proposed interchange at Weston Road and stated that it was not possible because of the proximity to I-75 and I-595. He advised that there were alternative means to allow access other than creating a new interchange, such as ramps in the interchange areas.

Stan Mora, resident of Vista Filare, felt that any on-ramp or access would only benefit the residents of Weston and not the residents of the Town. Councilmember Paul clarified that at this point the discussion was about the bridge over the C-11 canal and other options to alleviate traffic and that the ramps were no longer an option.

Councilmember Truex asked if the Town used the same traffic consultants as Weston. Councilmember Paul replied affirmatively.

4.4. Capital Projects Status Report - Bruce Bernard

Public Works/Capital Projects Director Bernard introduced Dan Brady of 3M Traffic Engineering who spoke about the Scotts Light Dynamic Message Systems digital display speed signs and how they could be utilized for school signs.

Councilmember Starkey felt this was a great product, but felt the cost was prohibitive. She indicated that the schools or the Broward County School Board would need to offset the cost. Councilmember Starkey asked Mr. Brady if 3M would be willing to partner with the Town and provide them with the digital signs as part of a pilot program and then the Town could be used as an endorser of the product. Mr. Brady stated he would find out about a pilot program.

Mayor Venis asked Police Chief John George if the Town could purchase signs using grant money. Chief George indicated that there might be grant funding available for this type of program.

Councilmember Paul recommended contacting the School's Partner in Education Program to find out if there were local businesses that were also concerned with speeding and who might be interested in partnering in the purchase of the signs.

Councilmember Truex felt that the Town should evaluate other vendors.

Mr. Bernard reported that the bid for the 61st Avenue Park would come before Council at the next meeting and work would begin in April. He stated that the completion date was expected for July.

Mr. Bernard stated that a request was out for an architect for the Boys and Girls Club at Driftwood Park which should begin in October.

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Mr. Bernard stated that the \$3.1 million drainage improvement project was in conjunction with Central Broward Water Control Conservation District. He advised that the District had already contributed approximately \$500,000 and would be assisting with the drainage projects for the next two years. Mr. Bernard stated that Phase I of the drainage project was completed, except for some easements and added that Phase III of Oak Hill was almost completed. He stated that Phase II would begin within two weeks. He stated that the Engineering Department was working on obtaining deeds for SW 23 Street, and they were also working on the Vista Filare project.

Mr. Bernard reported that a public meeting was held on the Falcon Lea property and staff was working on the resident's recommendations. He stated that another meeting would be held with the residents within five to six weeks of this meeting.

Mr. Bernard reported that the bike paths, irrigation and landscaping for Linear Park were being installed from the Florida Turnpike to 441. He stated that the area from 441 to SW 61st Avenue would begin thereafter. Mr. Bernard advised that the bid was going to be awarded for the dock just south of SW 61st Avenue on the canal bank.

Mr. Bernard reported that overlay had been completed for Orange Tree Homes and the Potter Park area was also in progress. Mr. Bernard stated that the gymnasium at Potter Park was in progress and on schedule. He stated that SW 44th Court was made into a one-way street so additional parking was available.

Mr. Bernard stated that the lights at Western High School were installed and working. He indicated that the master plan for Silver Lake was still being developed.

Vice-Mayor Clark stated that the stop sign on SW 57th Terrace and SW 44th Court had been demolished by a delivery truck.

4.5. Upcoming Special Events - Bonnie Stafiej and Dennis Andresky

Special Projects Director Bonnie Stafiej advised that upcoming special events included: Orange Blossom Festival and parade (March 22nd-24th) and Spring Egg Hunt and Festival (March 30th).

Parks and Recreation Director Dennis Andresky advised that upcoming events included: Summer Camp Enrollment (in progress) and Youth Basketball Registration (April 15th). He reported that employment opportunities were available for lifeguards and summer camp.

Councilmember Starkey asked if a tennis camp could be started at Davie Pine Island Park. Mr. Andresky stated that he was trying to hire an instructor for summer camp.

Mayor Venis asked if the concerns with the karate classes were resolved. Mr. Andresky replied affirmatively

5. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS (9:57 p.m. - 10:02 p.m.)

DAVIE ELEMENTARY SCHOOL TRAFFIC CONCERNS. Mayor Venis thanked Chief George for his assistance and advised that the "ballards" were going to be installed the week of this meeting. Mayor Venis asked Mr. Bernard to give Council an update regarding the Davie Elementary School Shelter at the next meeting.

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BUDGET REVIEW PACKAGE. Mayor Venis stated that Council had received the first quarter budget review package and Assistant Town Attorney Ken Cohen would be making a presentation of the highlights at the next Council meeting.

SCHOOL BOARD OF BROWARD COUNTY. Mayor Venis thanked the School Board for supporting the Parkwood Isles Homeowner's Association regarding tearing up the swale areas.

ORANGE BLOSSOM PARADE. Mayor Venis stated that he could not attend the Orange Blossom Parade because his son was receiving his confirmation at the same time.

JAMES AUCAMP SR. RECOGNITION. Mayor Venis reported that the Central Broward Drainage Control District had dedicated their administration building to Mr. Aucamp.

WESTBROOKE HOMES. Mayor Venis asked Mr. Kiar to write a letter to Westbrooke Homes to find out about the status of the mitigation site

I-75 SOUNDWALL. Mayor Venis reported that monies would be appropriated for the soundwalls.

SCHOOL BOARD BOUNDARY MEETING. Mayor Venis reported that the boundary meeting was scheduled for March 20th and advised that he would not be able to attend.

VICE-MAYOR CLARK (10:02 p.m. - 10:03 p.m.)

THANK YOU. Vice-Mayor Clark thanked Council for nominating her as Vice-Mayor.

SCHOOL BOARD BOUNDARY MEETING. Vice-Mayor Clark asked that Councilmember Paul attend the meeting on behalf of the Town.

COUNCILMEMBER TRUEX (10:03 p.m. - 10:13 p.m.)

DEDICATIONS. Councilmember Truex asked about the dedications of the 61st Avenue Park, the bridge at 6800 Griffin Road, and the rededication of the bridge at SW 64th Avenue and Griffin Road. Mr. Willi stated that these dedications were in progress and he would provide Council with an update.

UDPATES. Councilmember Truex requested an update on the fiscal impact and development study and the computer tracking system.

CONGRATULATIONS. Councilmember Truex congratulated Mr. Bernard for his assistance with the lighting of the Nova High School Field.

DAVIE ELEMENTARY SCHOOL SHELTER. Councilmember Truex stated that he had spoken with School Board Member Paul Eichner regarding the bid on the shelter project. Councilmember Truex asked for an update on this project

FLORIDA DEPARTMENT OF TRANSPORTATION. Councilmember Truex asked if the resolution regarding the bridge on Orange Drive west of Nob Hill Road was official. He advised that he received a letter that indicated there would be a meeting with Cooper City regarding this issue.

Councilmember Starkey indicated that the meeting that was held was intended to be a joint meeting and it was appropriately advertised. She stated that Cooper City had expressed concerns and they chose to have their own meeting regarding this issue. Councilmember Starkey stated that Cooper City representatives had walked out on the joint meeting and she felt that another meeting was not called for.

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Mayor Venis recommended that Mr. Willi write a letter to FDOT indicating that Cooper City City Manager Chris Farrell had left the joint meeting.

Councilmember Truex referred to the County's Charter Review Board regarding water and he felt there was a possibility of rate oversights. Council directed Mr. Willi to invite Mr. Lewis to a future meeting to address this issue.

COUNCILMEMBER STARKEY (10:13 p.m. - 10:24 p.m.)

TRAFFIC LIGHT AT NOB HILL ROAD. Councilmember Starkey spoke of the installation of a fully functioning light at Nob Hill Road and State Road 84. She stated that other workshops were scheduled to further address the traffic concerns there.

AIRPORT EXPANSION. Councilmember Starkey was dismayed that the Town was not invited to participate with the County's Airport Expansion Task Force. She stated that the first meeting was scheduled for March 20th which she would be attending. Councilmember Starkey felt the expansion was an issue that strongly affected the Town because the Town was in the direct flight path of the airport.

Councilmember Starkey stated that a study had been conducted and the Town should be involved. She recommended that a consultant be hired to analyze the study. Mr. Willi recommended that Brenda Chalifour be hired as the consultant because she was well versed on this issue.

ECONOMIC FEASIBILITY STUDY. Councilmember Starkey felt there was a need for a new study. She advised that she attended the Economic Development Council meeting and the consensus was to send out a bid to hire a consultant to either revise the study or create a new one. Mayor Venis indicated that this was already in progress in-house.

Acting Budget and Finance Director Carol Menke indicated that she, along with other staffers, had drafted a request for proposal that would go before the Bid Spec Committee. The cost was approximately \$25,000 with the Economic Development Council paying approximately half of that amount.

CONGRATULATIONS. Councilmember Starkey congratulated her daughter and Mayor Venis' son on their confirmations.

COUNCILMEMBER PAUL (10:24 p.m. - 10:32 p.m.)

WACHTSTETTER BRIDGE. Councilmember Paul stated she had spoken with Representative Seiler's aide about memorializing the bridge. She stated that the holdup was due to paperwork and the paperwork was supposed to be done the week of this meeting.

NEW MIDDLE SCHOOL ROAD ISSUES. Councilmember Paul referred to remarks School Board Member Paul Eichner had made at the Indian Ridge Middle School PTA meeting. She stated that she had received telephone calls from parents who were concerned with Mr. Eichner's remarks in relationship to the new middle school, which was being held up because of road concerns. Councilmember Paul asked Mr. Willi to research this and update Council.

Councilmember Starkey stated that she had attended the meeting and indicated that Mr. Eichner suggested that if the bridge on Nob Hill Road and Orange Drive was not built, then there would be no new middle school constructed in the Town. Councilmember Starkey had

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indicated that the Town would get the school regardless of the bridge because the location had been determined prior to the discussion of the bridge.

OAK HILL TRAFFIC STUDY. Councilmember Paul spoke of the apology letter from Calvin Giordano about the lateness of the study which would be completed no later than March 13th and a workshop could be scheduled on April 10. She suggested that the workshop be scheduled later in the month if the workshop was necessary. Otherwise, the presentation could be done at a Council meeting.

DAVIE WATER AND ENVIRONMENTAL ADVISORY BOARD. Councilmember Paul referred to the Board's minutes from July 17, 2001, and the discussion regarding a report and presentation on xeriscapes for new developments. She indicated that this was already part of Code and asked if they were informed of this. Utilities Director Daniel Colabella advised that the Board was informed of this in November.

ANNEXATION ISSUES. Councilmember Paul stated that a bill had emerged in Tallahassee at the last minute regarding annexation issues where part of the bill was that annexation issues would be sent back to the County. She advised that there were a number of concerns with the bill and asked if Mr. Willi had any additional information. Mr. Willi indicated that the amendment had not passed. He also stated that the County Commission withdrew their support of the bill, as this was a controversial issue. Councilmember Paul asked if the local bill would still go to the House floor. Mr. Willi replied affirmatively.

6. TOWN ADMINISTRATOR'S COMMENTS (10:32 p.m. - 10:59 p.m.)

WESTBROOKE MITIGATION ISSUE. Mr. Willi indicated that staff was apprised that Westbrook had hired Calvin Giordano to look at the Town's demands for the mitigation site. Westbrook's position was that the conceptual plan was too generous and too expensive to install and Calvin Giordano was working with Westbrook to modify the proposal for renegotiation.

CUSTOMER SATISFACTION SURVEY: Mr. Willi provided Council with a draft of the customer satisfaction survey. He asked for input so that the survey could be sent out to the residents.

BUDGET. Mr. Willi yielded the rest of his time to David Brown, Chair of the Budget Advisory Committee, who needed Council direction regarding budget issues.

Mr. Brown stated that the budget schedule that Council had adopted was in progress and he spoke of the need to set intra-departmental goals. He stated that a proposed budget document would be provided to Council in mid-July.

Mr. Brown spoke of the proposed cost recovery ordinance and referred to a fee comparison with other municipalities. He cautioned that he was not sure if the fees from the other municipalities were accurate because the research was done in October 2001 and there was no indication of when the fees were applied. Mr. Brown stated that the Committee understood the urgency of accomplishing this task, but they wanted to assure that the information provided was accurate. He mentioned a proposed change that would take the extra accounting work away from the Town. In the proposed change when extraordinary services were required, the applicant would have to choose a consultant from an approved list and pay them directly, rather than having the Town pay the consultant and then seek to recover the costs incurred. Also, a deposit would be collected because there were still services that the

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Town would have to provide above and beyond the standard permitting process. Mr. Brown stated that the deposit would be prorated and the excess monies would be applied toward the permit or returned to the applicant. He asked if this was an acceptable proposal for Council.

Councilmember Starkey stated that this was what she had originally proposed and indicated that she was concerned that if the applicant hired the consultant, their loyalties might not be with the Town. She added that she did not want the Town to lose control of projects and felt it was necessary to do the RFP. Mr. Brown indicated that Mr. Kiar should include a disclaimer with the criteria for consultants. He stated that consultants who did not comply with the Town's Code would obviously be removed from the approved list.

Councilmember Truex felt that staff was working on this as directed by Council and that the Committee was doing more than had been requested. He felt that staff should finish their proposal and then forward it to the Committee and added that he felt there were too many people working on this project.

Mayor Venis advised that the Committee was directed to work on this project. He appreciated that the Committee was able to return to Council with recommendations as Council had requested them to do.

Councilmember Starkey indicated that she would like to know what the fiscal impact would be on the budget.

7. TOWN ATTORNEY'S COMMENTS (10:59 p.m. - 11:01 p.m.)

CONGRATULATIONS. Mr. Kiar congratulated Mayor Venis' son and Councilmember Starkey's daughter on their confirmations.

8. CONSENT AGENDA (11:01 p.m. - 11:41 p.m.)

Minutes

- 8.1. December 19, 2001 - Regular Meeting
- 8.2. January 24, 2002 - Special Meeting
- 8.3. February 6, 2002 - Regular Meeting

Parade Permit

- 8.4. Davie/Cooper City Chamber of Commerce (revised date - March 23, 2002)

Home Occupational Licenses

- 8.5. A Basket To Remember & Assoc. Co., 13290 SW 16 Court
- 8.6. Judy's Creations, 10670 SW 26 Court

Resolutions

- 8.7. BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2002-63 THE BID FOR HORTICULTURAL CHEMICALS. (lowest responsive bidder for each item)
- 8.8. BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2002-64 THE BID FOR LIME SLUDGE HAULING. (Stanford and Son Trucking - \$53,640)

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- 8.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-65 AUTHORIZING THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND EDWARD GILBERT, TRUSTEE FOR ROAD CONCURRENCY RELATING TO THE SOUTH POST PLAT; PROVIDING FOR REMEDIAL MEASURES TO SATISFY CONCURRENCY REQUIREMENTS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 3-01-02, 4200 Shotgun Road)
- 8.10. **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-66 APPROVING A PLAT KNOWN AS MJB/DAVIE I AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 8-3-01, 5990 SW 82 Avenue)
- 8.11. **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-67 APPROVING A PLAT KNOWN AS STONE HARBOR, INC. AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 9-1-01, 3201 West State Road 84)
- 8.12. **OPPOSITION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-68 OPPOSING THE FLORIDA DEPARTMENT OF TRANSPORTATION'S PLAN TO CONSTRUCT A MEDIAN ALONG PINE ISLAND ROAD THAT WOULD RESTRICT EAST-WEST TRAFFIC ALONG ORANGE DRIVE.
- 8.13. **OPEN SPACE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-69 SELECTING THE FIRM OF FLORIDA STEWARDSHIP FOUNDATION TO PROVIDE TECHNICAL ASSISTANCE TO THE TOWN IN PURSUING PROGRAMS DESIGNED TO PURCHASE AND/OR PROTECT OPEN SPACE FOR INDIVIDUAL PROPERTY OWNERS AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AGREEMENTS FOR SUCH SERVICES. (unbudgeted - \$8,500)

Site Plan

- 8.14. SP 10-2-01, Stor-All at Flamingo Gardens, northwest corner of Flamingo Road and Orange Drive (B-3) (tabled from March 6, 2002) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one, two, and four; that the applicant bring back to the Committee a revised east elevation of the building; to work with staff to clarify the landscape plans which would be reviewed at the same meeting; and relocating six palm trees so as not to block the signage*

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Temporary Use Permits

8.15. TU 3-1-02, Jaffe Construction, Inc./Creative Child Learning Center, 1125 SW 101 Road

8.16. TU 3-2-02, Davie Junction, 6311 SW 45 Street

Councilmember Paul asked that items 8.3 and 8.14 be removed from the Consent Agenda. Councilmember Truex asked that items 8.10 and 8.16 be removed.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to approve the Consent Agenda without items 8.3, 8.10, 8.14, and 8.16. In a voice vote, all voted in favor. (Motion carried 5-0)

8.3 Councilmember Paul made a motion, seconded by Councilmember Truex, to approve, subject to correcting the spelling of the Weizman Institute on page 8. In a voice vote, all voted in favor. (Motion carried 5-0)

8.10 Councilmember Truex wanted assurance from staff that there was no access to SW 82 Avenue from this site. Planning and Zoning Manager Fernando Levia replied affirmatively.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.14 Dennis Mele, representing the petitioner, displayed the improvements and revisions that were made as per Council's recommendation.

Councilmember Paul indicated that another reason this item was pulled was because of the vested rights determination issue. She asked Mr. Kiar to give a formal opinion and explain his memo on this issue. Mr. Kiar stated that three opinions were rendered, the last being in March. His opinion was that Roho Limited, the property owner, did not have a vested right to erect a self-storage facility at the Flamingo Commons site. Mr. Kiar stated that the opinion arose from a request for a vested rights determination from Roho, Limited and asked if Roho Limited was still the property owner. Mr. Mele replied affirmatively and stated that the contract to sell the property to Stor-All was contingent upon the conclusion of this matter.

Mr. Kiar indicated that Council had voted to eliminate self-storage facilities from the B-3 zoning category and spoke of the history of the zoning of this property. He stated that as of 2000, the property owner never reserved their right to a self-storage facility. Mr. Kiar stated that since Mr. Willi made his decision, the situation concerning vested rights determination had changed. Mr. Kiar cited case law that supported his decision and stated that if Stor-All had purchased the property, the applicant's case would be much stronger than it was.

Mr. Mele stated that when the ordinance was adopted, Council had specifically asked if this property would be affected and they were told it would not. He stated that representatives from Stor-All were present at the meeting where this ordinance was adopted. Mr. Mele stated that they did not respond because it was clearly indicated that the property in question was not affected. He stated that there was a 30-day appeal period after Mr. Willi gave his ruling and no

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appeal was made. Mr. Mele asked Council to approve the site plan as the case of vested rights determinations was made long before Mr. Willi made his determination on this issue.

Councilmember Paul asked if the 30-day appeal was factual. Mr. Willi he was not familiar with that administrative process and indicated that there was nothing in the Town's Code that stated this. Mr. Kiar agreed. Mr. Mele stated that it did not have to be in the Code as it was the common law writ of certiorari that applied to all governmental actions approving or denying land development orders or land development permits. He referred to 9.110 of the Rules of Appellate Procedure adopted by the Supreme Court. Mr. Mele also cited cases which supported his statement that an appeal had to be filed within 30-days of Mr. Willi's ruling. He clarified that if Council wanted to appeal Mr. Willi's ruling, it had to be done within 30 days of the ruling. Councilmember Paul was dismayed that this information was not provided to Council. Mr. Kiar indicated that he would investigate it.

Councilmember Truex asked if the signage for the facility would match that of the Flamingo Commons building. Mr. Mele advised that the signage would be similar.

Councilmember Starkey indicated that she was torn on this issue and spoke of the past negotiations on this project. She asked if Council could get a legal opinion from a vested rights attorney. Mr. Mele stated that Council clearly determined that this property was not affected. He stated that his client would not have invested in this site plan had this not been clarified. Mr. Kiar disagreed with Mr. Mele and asked for appropriate time to research the 30-day rule.

Vice-Mayor Clark felt that the decision had been made and it should not be rehashed. She felt it was ludicrous to have Mr. Kiar to research this issue because he would come up with a different opinion than Mr. Mele. Vice-Mayor Clark felt that at this time, Council should be reviewing the site plan to insure that it was the best possible design for the area.

Councilmember Starkey also spoke of an e-mail from Claudette Bonville asking Council to oppose this project. She stated that if Council could not oppose this site plan, than the building should look as nice as possible.

Mayor Venis disclosed that he had received the same e-mail from Ms. Bonville. He acknowledged that the petitioner had done the best to make the site plan compatible with Flamingo Commons and felt the petitioner and the developer had complied.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve subject to the recommendations of staff, the Site Plan Committee, and the voluntary concessions of the applicant. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - no; Councilmember Starkey - no; Councilmember Truex, yes. (Motion carried 3-2)

8.16 Councilmember Truex asked if the outdoor sale of beer was a common occurrence. Mr. Willi replied affirmatively. Councilmember Truex wanted to be assured that this event was adequately policed

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, with Councilmember Paul being out of the room, all voted in favor. (Motion carried 4-0)

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9. PUBLIC HEARINGS (11:41 p.m. - 12:13 p.m.)

Ordinances - Second and Final Reading

- 2002-7 9.1. **VACATION/ABANDONMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF A TWELVE FOOT UTILITY EASEMENT WITHIN THE PROPERTY PLATTED AS "UNIVERSITY - NOVA PLAT"; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (VA 12-1-01, Belloso, south side of Nova Drive, approximately 200 feet east of University Drive) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- R-2002-8 9.2. **ZONING IN PROGRESS** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, INITIATING AND DECLARING A PLANNING AND ZONING IN PROGRESS FOR PROPERTIES BOUND BY GRIFFIN ROAD ON THE NORTH, THE FLORIDA TURNPIKE ON THE EAST, UNIVERSITY DRIVE ON THE WEST, AND STIRLING ROAD ON THE SOUTH, AND CONFIRMING THE EXISTING ZONING IN PROGRESS PREVIOUSLY DECLARED ON JULY 3, 2001, FOR THE AREA BOUND BY NOB HILL ROAD ON THE EAST, 14TH STREET ON THE NORTH, THE TOWN LIMITS ON THE WEST AND THE SOUTH, SAID ZONING IN PROGRESS APPLYING TO ALL PARCELS OF PROPERTY OF 20 ACRES IN SIZE OR GREATER, ALL PURSUANT TO SECTION 12-315 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, CONTAINING AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- R-2002-9 9.3. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE V, DIVISION 1, BY CREATING A UNIFORM POLICY CONCERNING ADVISORY BOARDS/COMMITTEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

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Mayor Venis opened the public hearing portion of the meeting

Norm Blanco asked how the sunseting would apply to the Community Relations Advisory Board. Vice-Mayor Clark stated that a board would be sunsetted if it deemed itself unnecessary and she felt this would not apply to the Community Relations Board. She stated that Council made the final decision.

Councilmember Starkey clarified that the purpose of this ordinance was to consolidate boards, not to eliminate them and felt that the term "consolidate" should be stricken from the ordinance. She was also concerned that the only board that was eliminated was the Youth Advisory Committee and indicated that she had received many complaints regarding this. Councilmember Truex recommended that Councilmember Starkey work on gathering a group of children to reinstate the Committee.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to approve and strike "consolidate." In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 9.4. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB 11-2-01, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT AND A-1, AGRICULTURAL DISTRICT TO RM-10, MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-2-01, Calvin, Giordano & Associates, Inc./Covenant House, 6991 Orange Drive) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul indicated that she had visited this site and wanted to reduce the number of townhouses so that the landscaping could be preserved. She advised that she had spoken with Mike Crowley about saving as many trees as possible who said that he would do the best he could. Councilmember Truex felt that variances were needed to get the number of units the applicant proposed.

Councilmember Truex asked staff what the land use designation was for this property. Mr. Levina indicated that the current use was ten dwelling units per acre and the application was for approximately nine units per acre.

Hoyt Holden, representing the petitioner, felt the trees would not interfere with the placement of the townhomes and there was a possibility of relocating some of the trees. He stated that the number of trees was a site plan issue.

Councilmember Paul indicated that she wanted to see the site plan prior to voting on the rezoning.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to table until April 3, 2002. In a voice vote, all voted in favor. (Motion carried 5-0)

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- 9.5. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2002-10 **APPROVING PETITION ZB 12-1-01, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM C-1 COMMERCIAL (BROWARD COUNTY) TO M-2, MEDIUM INDUSTRIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-1-01, Bradford Marine, Inc./Cosman, 3051 State Road 84) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval***

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting

George Counts, 2449 Nassau Lane - Lauderdale Isles, spoke against the rezoning. He described the negative impact this rezoning would have on the surrounding neighborhood, which included intensifying the current use to build boats up to 180 feet. Mr. Counts felt the deed restrictions were not thorough enough and added that Council should approve M-1 rather than M-2.

Jim Hurley, representing the petitioner, indicated that M-2 was the only appropriate zoning for this site and business.

Councilmember Starkey asked what the effect would be on the Pond Apple Slough preservation site. Mr. Hurley indicated that there would be no affect and added that there was no change.

Mayor Venis closed public hearing.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Quasi Judicial Hearings

- 9.6. **VARIANCE - V 12-2-01, Stabile, 14161 SW 17 Street (R-1) (to reduce the rear setback from 40 feet to 15 feet and the side setback from 25 feet to 15 feet at the northwest corner of the subject site in order to allow placement of a 40'x50' accessory structure) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval***

Mayor Venis swore in the witnesses. Mr. Levia briefly summarized the planning report

Mr. Stabile, the petitioner, indicated that he wanted to build a workshop behind his house and when he bought the property 12 years ago, the zoning allowed for such a building. He stated that he complied with Code and followed proper procedures and was asking to move the easement as the Water Management District had permitted.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes;

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Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 9.7. **VARIANCE - V 1-1-02, Rubin, 26 North Valencia Drive (RM-6)** (to allow an eight foot fence to enclose the swimming pool/recreational area within the complex)
Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval

Mayor Venis swore in the witnesses. Mr. Levia summarized the planning report.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, with Councilmembers Paul and Starkey being out of the room, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Truex - yes. (Motion carried 3-0)

Items to be tabled

- 9.8. **STAFF REQUESTING A TABLING TO MAY 15, 2002** (Second and final reading will be held after review by the Department of Community Affairs)
TRANSMITTAL APPLICATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LA 02-1B AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT (ICE) AS REQUIRED BY FLORIDA STATE STATUTE CHAPTER 163.3177; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

- 9.9. **STAFF REQUESTING A TABLING TO APRIL 17, 2002**
REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB 11-3-01, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM T-1, TRAILER PARK (BROWARD COUNTY) TO CC, COMMERCE CENTER DISTRICT, UTILIZING THE BROWARD COUNTY 5 PERCENT RESIDENTIAL TO COMMERCIAL FLEXIBILITY RULE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-3-01, DFD Capital Dev. Corp., 10700 West State Road 84) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the applicant voluntarily "deed restricting out" telecommunications towers in addition to the other deed restrictions*

This item was tabled earlier in the meeting.

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10. APPOINTMENTS (12:13 p.m. - 12:14 p.m.)

10.1. Davie Water and Environmental Advisory Board (two exclusive appointments - Councilmember Truex; one exclusive appointment - Councilmember Clark and Mayor Venis) (terms expire December 2003)

Council deferred their appointments.

10.2. Senior Citizen Advisory Committee (members shall be a minimum of 60 years old) (two exclusive appointments with one being for a one year term and one being for a two year term - Councilmember Starkey; terms expire December 2002 and 2003 respectively)

Councilmember Starkey deferred her appointment.

11. OLD BUSINESS

There was no old business discussed.

12. NEW BUSINESS (12:14 p.m. - 12:28 p.m.)

12.1. Policy Determination for Amending the Jolmy Annexation Agreement

Town Engineer Larry Peters stated that staff had not been able to determine what the height of the billboards should be, but they were advised by Mr. Kiar that the standard height for the County was 35 feet.

Arnold Ramos, representing Jolmy Enterprises, described the history of this project. He stated that the applicant was either looking to amend the annexation agreement or get a different interpretation of it. He read item 6 of the annexation agreement and pointed out that the County's Code was intended to address the size, style, and letting, not the height of the billboard, which was addressed in a different section of the Code. Mr. Ramos indicated that other billboards in the area were 65 feet which was acceptable, except for the sign closest to the Florida Turnpike which needed to be 90 feet so that it would not be obstructed from the Florida Turnpike.

Councilmember Truex clarified that one purpose of the billboards was to donate part of the proceeds to charity. He felt that the Police Athletic League (PAL) would be an excellent candidate for donations from two of the billboards and proceeds from the third should go to EASE. Councilmember Truex was not opposed to the billboards because they were in an industrial area.

Vice-Mayor Clark indicated that she was in agreement to what the State allowed. She indicated that if she voted on this issue, it might be construed as a conflict of interest because her husband worked for PAL.

Mr. Ramos stated that he would bring Councilmember Truex's recommendation back to Mr. Meyers.

Mr. Willi recommended that Council vote on the issues separately: first on the height of the billboards and secondly on the funding issue for PAL. Councilmember Truex recommended separating the issues by height and charity, and then which charity would receive funding.

Mayor Venis asked Mr. Ramos to bring this item back before Council at a future meeting.

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13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 12:28 a.m.

Approved _____

Mayor/Councilmember

Town Clerk